

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: **Don C. WILLIAMS, DMD**

Serial No. [None Yet Assigned]

Filed: [Herewith]

For: **Extended Interfaced, Under & Around Chin, Head Support System** 2/6/02
for Resting while Sitting P.H.

JCS-32 U.S. PTO
C93/67066
C9/26/00

#2

**COMMUNICATION DISCLOSING MATERIALS FOR CONSIDERATION
BY THE EXAMINER IN ACCORDANCE WITH 37 C.F.R. §1.97**

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with an applicant's duty of disclosure to the Patent and Trademark Office, Applicant discusses in the specification of the above identified application matter believed to be relevant to the examination of this application, which discussion is repeated below.

For the convenience of the Examiner, copies of the cited references, which are presently believed to be at least generally relevant to the invention of this application, are enclosed herewith. It is hoped that this material will assist the Examiner in conducting the Examiner's own, thorough, independent examination.

Applicant respectfully requests the examiner to consider the enclosed materials during the Examiner's thorough investigation of the prior art pursuant to 37 C.F.R. 1.104.

The following table lists a number of patents at least some of

which may be of general background interest to the present invention, but not all of which are from the art to which the invention pertains.

<u>Patent No.</u>	<u>Patentee(s)</u>	<u>Date</u>
2,582,571	Thoma	1952/01/15
3,645,259	Schulman	1972/02/29
3,814,942	Darden	1974/06/04
3,929,309	De Vore	1975/12/30
4,097,086	Hudson	1978/06/27
4,183,583	Zuesse	1980/01/15
4,565,408	Palley	1986/01/21
4,707,031	Meistrell	1987/11/17
4,753,478	Weinreich	1988/06/28
4,757,554	Blair	1988/07/19
5,108,150	Stas et al	1992/04/28
5,378,042	Daneshvar	1995/01/03
5,471,690	McNeill	1995/12/05
5,505,523	Wang	1996/04/09
5,758,375	Horowitz	1998/06/02
5,868,471	Graham et al	1999/02/09
6,007,156	Chang	1999/12/28

Also, note the American Automobile Association's magazine of 1998, p. 28, and its ad entitled "Don't let driving be a pain in the neck!" for a wedge shaped, foam filler positioned against the car seat around the back of the neck and the sides of the neck of the user for neck supportive use while driving. Additionally, a blow-up cushion similar to the configuration of this device is also known and has been on the market for a number of years.

The prior art has suggested a number of different approaches for the support of the human head, typically while the user is napping or sleeping, while sitting.

With respect to an under-the-chin approach broadly, the '259 patent to Schulman, which is not from the art to which the present invention pertains, is directed to an automatically inflatable, aviator's head positioning and restraining device which is inflated during an emergency to allow the user to best withstand the high

"g" damaging effects of sudden acceleration and deceleration during an ejection from, or the crash of, an airplane. However, even in this non-prior art, emergency crash system, the head supporting element is not solid and therefore not always present when located on the user but only when an emergency arises and only supports the underside of the chin and provides no on-the-sides or even side-to-side or any front support.

The De Vore '309 patent, likewise not from the art to which the present invention pertains, is directed to a non-portable, head rest for use in a beauty parlor to hold the head in a set position to prevent the user from contacting the hot parts of a hair drying machine and uses two, curved, hinged, metallic side pieces which are relatively thin and therefore provide hard, substantially unyielding, support over a very limited part of the underside of the bottom of the head spaced away from the chin.

The Palley '408 patent is directed to a portable head support for sleeping or resting in a sitting position (the art to which the invention pertains) which uses a flexible band (14) extending from side-to-side underneath the chin supported by two, thin, rigid, side supports ("plaques" 11 & 12) resting on the user's collar bone (note Figures 5 & 6) on either side of the head supporting the band like a "hanging bridge," which applies all of the weight of the head on two, very limited, thin strip areas of the user's body, namely, only on the shoulder-collar bones with a thin, orthogonal interface.

This relatively high intensity, concentrated application of the forces from the head's weight is relatively uncomfortable. This is in contrast to the wide area application, solid block

material approach of the present invention, which extends solidly with a soft interface, foam material directly down to the user's central, upper chest over a relatively wide area distributing the head weight forces over that relatively wide area, particularly the area overlying the strong, laterally extended, manubrium sterni bone area. Additionally, there is no side support or front support of the over-all chin area, in contrast to the cup-like, full support provided in the present invention.

Likewise there is no reliable anchoring or attachment subsystem for holding the device to the user's body when the user, for example, supports his/her own head with his/her respective neck muscles and then raises the head and moves the head from side-to-side, or any associated means therefor for preventing the device from being pulled into the throat, possibly interfering with breathing, as in another aspect which is achieved in the preferred embodiment of the present invention.

It is further noted that apparently there has been no commercial success to the Palley invention and hence no established practicality or utilitarian appeal to his approach, as his patent now stands effectively abandoned due to the non-payment of its second maintenance fee. Thus, one of ordinary skill would likely not look to the Palley disclosure for any meaningful guidance.

It is noted that the claimed invention is believed to be neither anticipated by nor obvious over the cited references, whether taken individually or in any proper combination, and hence is patentable under both 35 U.S.C. §102 and §103, respectively. Accordingly, allowance of the application is respectfully re-

quested.

Applicant hopes that the above comments, together with the detailed discussion of the background of the invention in the application, and the enclosed copies of the reference materials may be helpful to the Examiner.

Applicant respectfully requests that the Examiner make the herein cited references of record with respect to this application. A filled out PTO Form No. 1449 ("Information Disclosure Citation in an Application") is attached.

Please charge any fees which may be required to Deposit Account No. 16-2605 (**willD01/870**). Duplicate copies of this page are attached.

Respectfully submitted:


C. Emmett Pugh, Reg. No. 22,826
Pugh/Associates,
Patent and Trademark Attorneys
82 N. Main Street
Suffield, CT 06078-2102
Telephone: +1.860.668.2433
Fax: +1.860.668.7978
InterNet: epugh@PatentLaw.com
Attorneys for Applicant